

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

IN THE MATTER OF THE COMPLAINT *
OF ETERNITY SHIPPING, LTD and
EUROCARRIERS, S.A., *

in a cause for exoneration from *
or limitation of liability

Civil Action No. L-01-250

**CLAIMANT-JOSEFINA GONZALES' MOTION TO
STRIKE PETITIONERS' PRAECIPE
and, in the alternative,
CLAIMANT'S MOTION FOR DETERMINATION OF FOREIGN LAW**

TO THE HONORABLE JUDGE OF THE DISTRICT COURT:

COMES NOW Josefina Gonzales ("Claimant") and moves the Court to strike Petitioners' Praecipe and/or determine that none other than the laws of the United States apply to the claims arising out of the death of Juan Gonzales, Jr.. In support hereof, Claimant has contemporaneously filed her "Memorandum" and herewith attaches her proposed Order.

WHEREFORE, PREMISES CONSIDERED, Claimant respectfully requests that this Court dismiss the "Praecipe" filed by Petitioners herein and, thereafter, find that the personal injury and death claims resulting from the death of Juan Gonzales, Jr. are properly brought within the Courts and adjudicated under the laws of these United States of America, rather than the laws of Greece, the Philippines, Malta or any other nation.

Respectfully submitted,

/s/

R. Blake Brunkenhoefer (S.D.Tex. #15559)*
BRUNKENHOEFER & ASSOCIATES, P.C.
1770 Tower II
555 N. Carancahua
Corpus Christi, Texas 78478
(361) 888-6655
Fax (361) 888-5855
bbrunk@gulfattorneys.com
(* Admitted Pro Hac Vice)

/s/

W. Charles Bailey, Jr. (#23580)
SIMMS SHOWERS, LLP
Suite 702
20 South Charles Street
Baltimore, Maryland 21201
(410) 783-5795
Fax (410) 783-1368
wcbaily@simmsshowers.com

CERTIFICATE OF SERVICE

I, R. Blake Brunkenhoefer, do hereby certify that a true and correct copy of the above and foregoing document was served via e-mail notification from the District Court and in the manner indicated, upon:

M. Hamilton Whitman, Jr. _____
OBER, KALER, GRIMES
& SHRIVER, P.C.
120 E. Baltimore Street
Baltimore, MD 21202
(VIA FAX (410) 547-0699)

James D. Skeen
WRIGHT, CONSTABLE
& SKEEN, L.L.P.
1 Charles Center, 16th Floor
100 N. Charles Street
Baltimore, MD 21201
(VIA FAX (410) 659-1350)

Jeffrey J. Asperger
Michelle E. Meklir
ASPERGER CARAHER, L.L.C.
Three Illinois Center
303 East Wacker Drive, Suite 1000
Chicago, Illinois 60601
(VIA FAX (312) 856-9905)

Bernard J. Sevel
ARNOLD, SEVEL & GAY, P.A.
Two N. Charles Street, Suite 560
Baltimore, MD 21201
(VIA FAX (410) 837-7820)

Robert G. Clyne
HILL, RIVKINS & HAYDEN, L.L.P.
45 Broadway, Suite 1500
New York, NY 10006-3739
(VIA FAX (212) 669-0698)

James W. Bartlett, III
SEMMES, BOWEN & SEMMES
250 W. Pratt Street, 16th Floor
Baltimore, MD 21201-2423
(VIA FAX (410) 539-5223)

Francis J. Gorman
GORMAN & WILLIAMS
Two N. Charles Street, Suite 750
Baltimore, MD 21201
(VIA FAX (410) 528-0602)

W. Charles Bailey, Jr.
SIMMS SHOWERS, L.L.P.
20 S. Charles St., Suite 702
Baltimore, MD 21201-3291
(VIA FAX (410) 783-1368)

in accordance with all applicable provisions of the Federal Rules of Civil Procedure, on this the 26th day of November, 2003.

/s/
R. Blake Brunkenhoefer

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

IN THE MATTER OF THE COMPLAINT *
OF ETERNITY SHIPPING, LTD and
EUROCARRIERS, S.A., *

in a cause for exoneration from *
or limitation of liability

Civil Action No. L-01-250

ORDER OF THE COURT

On this ____ day of _____, 200__, came on for consideration Claimant-Josefina Gonzales' Motion to Strike Petitioners' Praeipie and, in the alternative, Claimant's Motion for Determination of Foreign Law. Having considered the pleadings on file, the arguments of counsel for all concerned, and relevant legal authority, the Court finds that Claimant's Motion is well-made and should be, and hereby is, in all respects GRANTED.

IT IS THEREFORE ORDERED that the Petitioners' Praeipie is stricken and, as concerns all of Claimant-Josefina Gonzales' claims arising out of the death of her son, the law of the United States shall be the exclusive jurisprudence for the determination of this Claimant's rights.

SIGNED & ENTERED this the ____ day of _____, 200__.

UNITED STATES DISTRICT COURT